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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,118	12/19/2001	Thomas Friedhelm Boehme	DE920000083US1	3223

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IBM CORPORATION  
INTELLECTUAL PROPERTY LAW DEPT.  
P.O. BOX 218 - 39-244  
YORKTOWN HEIGHTS, NY 10598

EXAMINER

MEUCCI, MICHAEL D

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 10/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/024,118

Applicant(s)

BOEHME ET AL.

Examiner

Michael D. Meucci

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-10 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-10 and 13-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in response to request for reconsideration filed 29 July 2005.

#### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority based on an application 00128496.7 filed in Germany on 23 December 2000. It is noted, however, that applicant has not filed a certified copy of the 00128496.7 application as required by 35 U.S.C. 119(b).

#### ***Information Disclosure Statement***

3. Applicant's correspondence states that a PTO 1449 was included with the most recent response dated 29 July 2005, but the PTO 1449 is not in the file. Some of the documents listed on the International Search Report for PCT/EP01/13653 were located in the file and it is believed by the examiner that the missing PTO 1449 was to include these documents. Additionally, the WO00/75812 A document listed on the International Search Report is not in the file and must be submitted and listed on the PTO 1449 to be considered.

#### ***Response to Amendment***

4. Examiner acknowledges amendments to claims 1, 2, 7, 9, 17 and 18.
5. Examiner acknowledges cancellation of claims 3, 4, 11, and 12.

***Claim Objections***

6. Applicant should remove "the" before "Hypertext" in line 2 of claims 6 and 14.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 2, 5, 7, 13, 17, and 18 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim 2 recites the limitation "the content information" in lines 1-2.

There is insufficient antecedent basis for this limitation in the claim.

- b. Claim 2 recites the limitation "the combined content information" in line 6. There is insufficient antecedent basis for this limitation in the claim.

- c. Claim 5 recites the limitation "the combined information" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

- d. Claim 7 recites the limitation "the information" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

- e. Claim 13 recites the limitation "the information" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

- f. Claim 17 recites the limitation "the combined information" in line 15. There is insufficient antecedent basis for this limitation in the claim.

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g. Claim 18 recites the limitation "the information" in line 12. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-2, 5-6, 9-10, 13-14, and 17-18 rejected under 35 U.S.C. 102(e) as being anticipated by Khan et al. (U.S. 6,460,038 B1) hereinafter referred to as Khan.

a. As per claims 1 and 17, Khan teaches: receiving, at a portal node, user-requested content information from more than one content provider nodes, (lines 34-37 of column 1); wherein the user-requested content information has been generated in a markup language using a specific portlet at each of the more than one content provider nodes (line 64 of column 7 through line 6 of column 8); combining, at the portal node, the received user-requested content information using a generic portlet (lines 44-52 of column 1); and sending, from the portal node, the combined user-requested content information to a user node (lines 34-37 of column 1 and line 66 of column 12 through line 8 of column 13).

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b. As per claim 2, Khan teaches: the content information comprises fragments of information generated in the markup language at the more than one content provider nodes, and wherein the combining step comprises combining the fragments of information into the combined content information (lines 34-52 of column 1 and lines 3-5 of column 13).

c. As per claim 5, Khan teaches: the combined information is configured for displaying on a browser at the user node (lines 3-8 of column 13, line 56 of column 14 through line 16 of column 15, and Fig. 10).

d. As per claim 6, Khan teaches: the markup language is the Hypertext Markup Language (HTML) (line 64 of column 7 through line 6 of column 8).

e. As per claims 9 and 18, Khan teaches: generating, within at least one content provider node, user-requested content information in a markup language using a specific portlet (line 64 of column 7 through line 6 of column 8); and sending, from the at least one content provider node, the generated information to a portal node for combining with information in the markup language received from other content provider nodes and sending the information to a user node using a generic portlet (lines 34-52 of column 1 and line 66 of column 12 through line 8 of column 13).

f. As per claim 10, Khan teaches: the generating step comprises generating fragments of information in the markup language, and the sending step comprises sending the fragments of information to a portal node for combining

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and sending to a user node (lines 34-52 of column 1 and line 66 of column 12 through line 5 of column 13).

g. As per claim 13, Khan teaches: the information sent to the user node is configured for displaying on a browser at the user node (lines 3-8 of column 13, line 56 of column 14 through line 16 of column 15, and Fig. 10).

h. As per claim 14, Khan teaches: the markup language is the Hypertext Markup Language (HTML) (line 64 of column 7 through line 6 of column 8).

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Khan as applied to claim 1 above, in view of Black et al. (U.S. 6,754,833 B1) hereinafter referred to as Black.

a. As per claim 7, Khan does not explicitly teach: the information received from the at least one of the more than one content provider nodes is associated with a fee. However, Black discloses: "Typically, at least some of the content or applications will be developed internally, while others will be obtained

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by paying fees to the source(s) of the content or applications,” (lines 25-28 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the information received from the at least one content provider node associated with a fee. “The web-site or portal operator (the entity that manages and controls the set of links made available at the site) is able to generate revenue by selling advertising space on the site home page. These features make portal operation a potentially lucrative form of business, as well as a method of establishing and/or maintaining brand strength,” (lines 16-21 of column 2 in Black). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the information received from the at least one content provider node associated with a fee in the system as taught by Khan.

13. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Khan as applied to claim 7 above, in view of Black and Official Notice.

a. As per claim 8, Khan fails to teach the step of accepting a fee before the receiving step. However, Black discloses: “Typically, at least some of the content or applications will be developed internally, while others will be obtained by paying fees to the source(s) of the content or applications,” (lines 25-28 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the step of accepting a fee before the receiving



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step. . “The web-site or portal operator (the entity that manages and controls the set of links made available at the site) is able to generate revenue by selling advertising space on the site home page. These features make portal operation a potentially lucrative form of business, as well as a method of establishing and/or maintaining brand strength,” (lines 16-21 of column 2 in Black). It is for this reason that one of ordinary skill in the art at the time of the applicant’s invention would have been motivated to have the step of accepting a fee before the receiving step in the system as taught by Khan.

Khan teaches accepting a fee, but fails to disclose when the fee is accepted. Official Notice is taken of accepting the fee before the receiving step. In general, most transactions occur wherein a fee is charged and then paid before the goods/services are delivered, thereby allowing the seller to guarantee they are getting paid for their goods/services. It is for this reason that one of ordinary skill in the art at the time of the applicant’s invention would have been motivated to accept a fee before the receiving step in the system as taught by Khan.

14. Claim 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Khan as applied to claim 9 above, in view of Black.

a. As per claim 15, Khan fails to teach the step of associating the generated information with a fee. However, Black discloses: “Typically, at least some of the content or applications will be developed internally, while others will

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be obtained by paying fees to the source(s) of the content or applications,” (lines 25-28 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to associate the generated information with a fee. “The web-site or portal operator (the entity that manages and controls the set of links made available at the site) is able to generate revenue by selling advertising space on the site home page. These features make portal operation a potentially lucrative form of business, as well as a method of establishing and/or maintaining brand strength,” (lines 16-21 of column 2 in Black). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to associate the generated information with a fee in the system as taught by Khan.

15. Claim 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Khan as applied to claim 15 above, in view of Black and Official Notice.

a. As per claim 16, Khan fails to teach the step of charging a fee before the sending step. However, Black discloses: “Typically, at least some of the content or applications will be developed internally, while others will be obtained by paying fees to the source(s) of the content or applications,” (lines 25-28 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the step of charging a fee before the sending step. “The web-site or portal operator (the entity that manages and controls the

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set of links made available at the site) is able to generate revenue by selling advertising space on the site home page. These features make portal operation a potentially lucrative form of business, as well as a method of establishing and/or maintaining brand strength,” (lines 16-21 of column 2 in Black). It is for this reason that one of ordinary skill in the art at the time of the applicant’s invention would have been motivated to have the step of charging a fee before the sending step in the system as taught by Khan.

Khan teaches charging a fee, but fails to disclose when the fee is charged. Official Notice is taken of charging the fee before the sending step. In general, most transactions occur wherein the fee is charged and then paid before the goods/services are delivered, thereby allowing the seller to guarantee they are getting paid for their goods/services. It is for this reason that one of ordinary skill in the art at the time of the applicant’s invention would have been motivated to charge a fee before the sending step in the system as taught by Khan.

### ***Response to Arguments***

16. (A) Regarding claim 1, applicant asserts that Khan does not teach a portal node between the content providers and the user nodes. The examiner respectfully disagrees.

As to point (A), the applicant argues that Khan teaches that the bookmark portal is at the server. The examiner points to lines 33-52 of column 1 describing custom internet portals. This section of the reference *clearly* points out that the portal is in fact separate from the content providers by disclosing: “While, for

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example, a user may want to be able to receive world politics news from his two favorite Indian news dailies every morning, get his Hi-Tech news coverage from Red Herring and CNet, and get sports news from Cricket.org and dailysoccer.com, access to all these sites through a prior art internet portal would be predicated on the internet portal offering access to all of the particular site via that particular portal," (lines 44-52 of column 1). The portal clearly cannot reside on a *single* content provider because Red Herring, Cnet, Cricket.org, and dialysoccer.com are in different domains. These domains are separate from the custom internet portent such as myYahoo and myLycos disclosed on line 34 of column 1 because these portals would reside on the yahoo.com and lycos.com domains respectively.

17. (B) Regarding claim 1, applicant asserts that Khan does not teach user-requested content information from content providers. The examiner respectfully disagrees.

As to point (B), the applicant argues that Khan teaches that the server lists only URLs. The examiner points to line 65 of column 12 through line 8 of column 13 which discloses: "An additional feature that may be included in the present invention is a content delivery feature. With this feature, content from the linked web site is extracted so that output which includes that extracted content may be generated and sent to the user. With this feature, programmable bookmarks may be used to deliver content (news, articles, financial information) to the user. Users may program any bookmark within their bookmark set to deliver its content

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(or portion of content) to them either in a browser based custom portal or via email.” The recitation “users may program...” clearly makes this content “user-requested.” Also, reciting: “Users may program any bookmark within their bookmark set to deliver its content (or portion of content) to them either in a browser based custom portal or via email,” *clearly* teaches delivering the content and not only URLs.

18. (C) Regarding claims 9-16 and 18, the applicant's remaining arguments parallel points (A) and (B) which are discussed above.

### ***Conclusion***

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ottolenghi et al. (WO 00/075812 A1) discloses a personalized metabrowser which dynamically configures content selected from numerous Internet resources presenting them in a user-defined template.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone number for this Group is 571-273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the

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Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**BEATRIZ PRIETO**  
**PRIMARY EXAMINER**